

AMENDED IN SENATE SEPTEMBER 12, 2007

AMENDED IN SENATE JULY 3, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY APRIL 25, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1662

Introduced by Assembly Member ~~Cook Garcia~~
(~~Coauthors: Assembly Members Benoit, Davis, DeVore, Horton,~~
~~Jeffries, and Maze~~)
(~~Coauthors: Senators Battin and Hollingsworth~~)

February 23, 2007

~~An act to add Section 3312 to the Elections Code, relating to voting.~~
~~An act relating to state employment, making an appropriation therefor,~~
~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1662, as amended, ~~Cook Garcia. Absentees: overseas voting.~~
~~State employment: State Bargaining Unit 6.~~

Existing law provides that, if agreement is reached between the Governor and a recognized employee organization regarding the terms and conditions of employment, they shall jointly prepare a written memorandum of understanding. Existing law requires that, if a memorandum of understanding has expired, and the Governor and the recognized employee organization have not agreed to a new memorandum of understanding and have not reached an impasse in negotiations, the parties continue to give effect to the expired memorandum of understanding. Existing law provides that, if the

Governor and the recognized employee organization reach an impasse in negotiations for a new memorandum of understanding, the state employer may implement any or all of its last, best, and final offer.

This bill would state the intent of the Legislature to achieve labor peace between the state employer and State Bargaining Unit 6 in order to improve the performance and outcomes of California's correctional system. The bill would provide that, notwithstanding the provisions of law described above regarding an impasse in negotiations, the members of State Bargaining Unit 6 shall receive a compensation adjustment of 6.1% as of July 1, 2007.

This bill would appropriate, from any appropriate fund sources, the sum necessary to satisfy the amount for employee compensation for employees included in State Bargaining Unit 6 pursuant to the above provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

~~(1) Under existing law, special absentee voters, defined as members of the armed forces and their spouses and dependents and overseas citizens of the United States, including those serving on a merchant vessel documented under the laws of the United States, may apply for absent voters' ballots and their applications are deemed to be affidavits of registration and applications for permanent absentee voter status.~~

~~Existing law also requires that these voters be sent absent voters' ballots in future elections and that they may write in the name of any candidate who has qualified to have his or her name placed on the ballot or qualified as a write-in candidate on the ballot at the time of the election.~~

~~The bill would require local elections officials to prepare a special runoff ballot for each primary, special, or general election to allow the votes of special absentee voters, including military personnel who are temporarily living outside of the United States, to be counted if there is a runoff election for any of the offices in that election. By increasing the duties of local elections officials, this bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,~~

reimbursement for those costs shall be made pursuant to these statutory provisions:

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 *SECTION 1. It is the intent of the Legislature to achieve labor*
2 *peace between the state employer and State Bargaining Unit 6 in*
3 *order to improve the performance and outcomes of California's*
4 *correctional system. To further that goal, it is the intent of the*
5 *Legislature to provide a short-term solution to the lack of a current*
6 *agreement between the state employer and State Bargaining Unit*
7 *6 while the parties engage in good-faith negotiations over a*
8 *successor agreement.*

9 *SEC. 2. Notwithstanding subdivision (b) of Section 3517.8 of*
10 *the Government Code, the members of State Bargaining Unit 6*
11 *shall receive a compensation adjustment of 6.1 percent as of July*
12 *1, 2007.*

13 *SEC. 3. Notwithstanding Section 13340 of the Government*
14 *Code, there is hereby appropriated, from any appropriate fund*
15 *sources, the sum necessary to satisfy the amount for employee*
16 *compensation for employees included in State Bargaining Unit 6*
17 *pursuant to Section 2 of this act.*

18 *SEC. 4. This act is an urgency statute necessary for the*
19 *immediate preservation of the public peace, health, or safety within*
20 *the meaning of Article IV of the Constitution and shall go into*
21 *immediate effect. The facts constituting the necessity are:*

22 *In order to bring labor peace to the state's correctional system*
23 *at the earliest possible time to enable the reforms enacted in*
24 *Assembly Bill 900 of the 2007–08 Regular Session (Chapter 7 of*
25 *the Statutes of 2007) to be implemented effectively, it is necessary*
26 *that this act take effect immediately.*

27 ~~SECTION 1. Section 3312 is added to the Elections Code, to~~
28 ~~read:~~

29 ~~3312. (a) For voters who qualify as special absentee voters~~
30 ~~pursuant to subdivision (b) of Section 300, and who are temporarily~~
31 ~~living outside of the territorial limits of the United States or the~~
32 ~~District of Columbia, the elections official shall prepare a special~~
33 ~~runoff ballot for each primary, special, or general election for~~

1 which there may be a runoff election held within 90 days of that
2 election to be sent to the voter, in addition to the regular absentee
3 ballot, for the purpose of allowing their votes to also be counted
4 if there is a runoff election.

5 (b) (1) The special runoff ballot shall contain a list of all offices
6 being contested for which there may be a runoff election held
7 within 90 days of that election and the candidates qualifying for
8 the election in each office.

9 (2) The special runoff ballot shall permit the elector's vote to
10 be counted in a runoff election by indicating his or her order of
11 preference for each candidate for each office.

12 (3) (A) To indicate his or her order of preference for each
13 candidate for each office, the voter shall mark the special runoff
14 ballot by writing the number one next to the name of the candidate
15 who is the voter's first choice, the number two for the voter's
16 second choice, and so forth, so that, in consecutive numerical order,
17 a number indicating the voter's preference is written by the voter
18 next to the candidate's name on the special runoff ballot.

19 (B) However, the voter shall not be required to indicate his or
20 her preference for more than one candidate on the special runoff
21 ballot if he or she chooses.

22 (C) The completed special runoff ballot shall be received by
23 the elections official by the close of the polls on the day of the
24 runoff election.

25 (4) In the event of a runoff election, the elections official shall
26 tabulate the special runoff ballot by counting the ballot as a vote
27 for that candidate in the runoff election who is ranked the highest
28 on the special runoff ballot as chosen by the special absentee voter.
29 If a special absentee voter receives a regular runoff ballot for the
30 runoff election and returns it by the close of the polls on the day
31 of the runoff election, then the elections official shall tabulate that
32 ballot and shall not tabulate any special runoff ballot previously
33 returned by that voter.

34 (5) Instructions shall be sent with the special runoff ballot to
35 the qualified voter explaining the runoff voting process for special
36 absentee voters.

37 SEC. 2. — If the Commission on State Mandates determines
38 that this act contains costs mandated by the state, reimbursement
39 to local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.

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